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February 27, 2023

**Via CM/ECF**

To: Hon. Joanna Seybert  
United States District Judge  
Eastern District of New York  
Alfonse M. D'Amato Federal Building  
100 Federal Plaza  
Central Islip, New York 11722

Re: *Tasty Brands, LLC v. Avanti Foods Corporation*, No. 2:23-cv-00312-JS-LGD

Dear Judge Seybert:

We represent Defendant Avanti Foods Corp. (“Defendant” or “our Client”) in the above-captioned matter. We write to respectfully request: (1) a pre-motion conference pursuant to Section III(B) of Your Honor’s Individual Practices and Rules, regarding Defendant’s intent to move for dismissal for lack of personal jurisdiction (per Fed. R. Civ. P. 12(b)(2)), and (2) that the court enter an interim order staying the entry of a certificate of default.

This Court lacks jurisdiction over the present dispute. Plaintiff is a New York limited liability company doing business in the State of New York. Defendant is a food manufacturing company based in Milwaukee, Wisconsin. Defendant lacks any operational presence in New York. The transactions and events giving rise to this dispute all occurred in Wisconsin or other states outside of New York. The allegedly spoiled goods at issue in this dispute were bound for Illinois, not New York. Moreover, Defendant does not believe that they have entered into any written agreement with Plaintiff which might confer jurisdiction in this case. Defendant denies taking any action which makes it subject to New York’s specific jurisdiction. And Defendant denies the Plaintiff’s allegation that it “transacts substantial business in this judicial district and maintain contacts in this judicial district.” *Compl.* ¶ 8.

Defendant also requests that the Court stay the issuance of a Certificate of Default (or vacate any Certificate of Default which may be entered while this application is pending). Lacking any operational presence in New York, Defendant struggled to find counsel to represent it in the

Action within the allotted time to file respond. Defendant only engaged our law firm earlier today. We have not had time to fully investigate Defendant's personal jurisdiction defense or other defenses which may apply in this case.

For the foregoing reasons, Defendant respectfully requests that the Court (i) schedule a pre-motion conference to address its proposed motion to dismiss, and (ii) stay the entry of a certificate of default against Defendant.

Sincerely,

  
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John J. Thompson, Esq.  
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Mastewal T. Terefe, Esq.

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cc: All Counsel of Record (via ECF)